

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
*See* Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

APR 21 2010

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2009-0330-PR
	)	DEPARTMENT A
Respondent,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
ROBERTA R. CAMACHO,	)	the Supreme Court
	)	
Petitioner.	)	
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20050222

Honorable Howard Hantman, Judge

REVIEW GRANTED; RELIEF DENIED

Patrick C. Coppen

Tucson  
Attorney for Petitioner

H O W A R D, Chief Judge.

¶1 Following a jury trial in 2005, petitioner Roberta Camacho was convicted, in absentia, of aggravated driving under the influence of intoxicating liquor while her license was suspended or revoked, and aggravated driving with a blood alcohol concentration of .08 or more while her license was suspended or revoked, both class four

felonies. The trial court sentenced her in 2006 to concurrent, presumptive, 4.5-year prison terms. We affirmed Camacho's convictions and sentences on appeal. *State v. Camacho*, No. 2 CA-CR 2006-0435 (memorandum decision filed Jan. 31, 2008).

¶2 Camacho then filed a petition for post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P., in which she raised various claims of ineffective assistance of trial counsel as well as a claim of sentencing error. The trial court conducted evidentiary hearings in June and July 2009, at which Camacho and trial counsel testified. The court then denied post-conviction relief, and this petition for review followed. "We will not disturb a trial court's ruling on a petition for post-conviction relief absent a clear abuse of discretion." *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). We find no abuse here.

¶3 Camacho argues the trial court abused its discretion by denying relief on her claims that trial counsel was ineffective in failing to: (1) request an evaluation pursuant to Rule 11, Ariz. R. Crim. P.; (2) adequately investigate and explain to the court that Camacho had not voluntarily absented herself from the trial; and (3) adequately investigate and present mitigating factors at sentencing. Camacho asks us to vacate her convictions and sentences or to reduce her sentences to time served. To be entitled to post-conviction relief on a claim of ineffective assistance of counsel, a defendant must establish that counsel's performance fell below an objectively reasonable professional standard and that the deficient performance caused prejudice to the defense. *Strickland v. Washington*, 466 U.S. 668, 669 (1984); *State v. Nash*, 143 Ariz. 392, 397, 694 P.2d 222, 227 (1985).

¶4 The trial court denied relief in a detailed and thorough minute entry order that clearly identified Camacho's arguments and correctly ruled on them in a manner that will allow any future court to understand its resolution. We therefore approve and adopt the trial court's ruling and see no need to reiterate it. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993).

¶5 Because we conclude the trial court did not abuse its discretion by denying post-conviction relief, we grant the petition for review but deny relief.

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ Philip G. Espinosa

PHILIP G. ESPINOSA, Presiding Judge

/s/ Virginia C. Kelly

VIRGINIA C. KELLY, Judge